



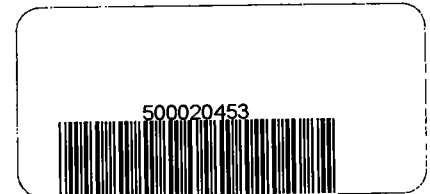
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

January 5, 2016

**SECOND REQUEST FOR INFORMATION  
URGENT LEGAL MATTER - PROMPT REPLY NECESSARY  
VIA CERTIFIED MAIL – RECEIPT 7004-1160-0003-0354-6086**

Ms. Nancy E. Van Burgel, Esq.  
Assistant General Counsel  
370 Van Gordon Street  
Lakewood, Colorado 80228

Re: Second Request for Information in EPA's October 25, 2012,  
104(e) Information Request for Wilcox Oil Superfund Site, Bristow,  
Creek County, Oklahoma



Dear Ms Van Burgel:

On or about October 25, 2012, the EPA sent to Kinder Morgan a CERCLA 104(e) Information Request regarding the above captioned Superfund Site.

Pursuant to your extension request on November 13, 2012, the EPA granted Kinder Morgan a 40-day extension request. The EPA received Kinder Morgan's response on January 13, 2013.

On November 10, 2015, our assigned Wilcox Oil Superfund Site Attorney, Marvin Benton contacted you about Kinder Morgan's January 13, 2013, information request response. Mr. Benton requested in a Certified Letter dated November 12, 2015, that Kinder Morgan provide to EPA the following information: "If the EPEC Oil Liquidating Trust still continues to exist please state the current net worth of the trust and the dollar value of any assets or monies that may have been distributed from the trust."

Pursuant to an agreement that you made with our Wilcox Oil Superfund Site Attorney Mr. Benton on November 12, 2015, you agreed to provide requested information to the EPA by no later than the week of December 14, 2015.

On or about December 16, 2015, you contacted Mr. Benton and informed him via a voice-mail message and also in a phone conversation with Mr. Benton on December 16, 2015, that you now needed until January 15, 2016, to provide the information that Mr. Benton requested in his November 12, 2015, letter to Kinder Morgan. Mr. Benton's November 12, 2015, letter along with Kinder Morgan's January 7, 2013, CERCLA 104(e) response is attached for your review

Pursuant to the authority of CERCLA Section 104(e), 42 U.S.C. § 9604(e), the EPA hereby requests that Kinder Morgan respond to the following question:

"If the EPEC Oil Liquidating Trust still continues to exist, please state the current net worth of the trust and the dollar value of any assets or monies that may have been distributed from the trust."

Please provide your response to the above information request by no later than Friday, January 15, 2016.

Thank you for your attention to this matter. If you have any questions regarding this request, please call Mr. Lance Nixon, Enforcement Officer, at 214-665-2203. Legal questions should be addressed to Mr. Marvin Benton, Senior Counsel, at 214-665-3190.

Sincerely yours.

A handwritten signature in black ink, appearing to read "Ben Banipal", with a stylized flourish at the end.

Ben Banipal, P. E., Branch Chief  
Technical and Enforcement Branch  
Superfund Division

Enclosure

RECEIVED

13 JAN -8 PM 2:17

**KINDER MORGAN**  
SUPERFUND DIV.  
REMEDIAL BRANCH  
(6SF-R)

January 7, 2013

Mr. Lance Nixon, Enforcement Officer  
Superfund Enforcement Assessment Section (6SF-TE)  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

RE: Wilcox Oil Superfund Site  
Bristow, Creek County, Oklahoma

RECEIVED  
13 JAN -8 PM 2:16  
SUPERFUND DIV.  
REMEDIAL BRANCH  
(6SF-R)

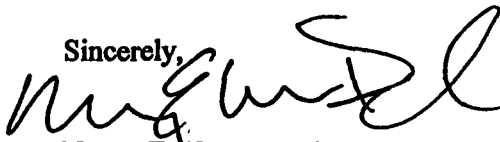
Dear Mr. Nixon:

Enclosed for your review is Kinder Morgan, Inc.'s (Kinder Morgan) response to the U.S. Environmental Protection Agency's (EPA) CERCLA 104(e) Information Request regarding the above referenced matter. EPA's CERCLA 104(e) Information Request was dated October 25, 2012 and on November 13, 2012, I requested an extension to respond to the 104(e) request. By letter dated November 16, 2012, received by my office on November 27, 2012, EPA granted Kinder Morgan's request for a 40-day extension. Pursuant to that extension, Kinder Morgan's response is due tomorrow January 8, 2013.

We have enclosed hard copies of our response and supporting documents. Also, enclosed is a CD containing electronic versions of all of the documents.

If you have any questions, please contact the undersigned at 303-914-4634 or [nancy\\_vanburgel@kindermorgan.com](mailto:nancy_vanburgel@kindermorgan.com). Thank you for your attention to this matter.

Sincerely,



Nancy E. Van Burgel, Esq.  
Assistant General Counsel  
Kinder Morgan, Inc.

**WILCOX OIL SUPERFUND SITE  
INFORMATION REQUEST**

**QUESTIONS**

1. Please provide the full legal name, mailing address, and phone number of the Respondent.

**RESPONSE:**

Kinder Morgan, Inc.  
1001 Louisiana St., Suite 1000  
Houston, TX 77002  
(713) 420-2600

2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.

**RESPONSE:**

Nancy Van Burgel  
Assistant General Counsel  
370 Van Gordon Street  
Lakewood, CO 80228  
(303) 914-4634 (business); nancy\_vanburgel@kindermorgan.com; 303-984-3333 (fax)

3. If the respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, and fax number.

**RESPONSE:**

Nancy Van Burgel  
Assistant General Counsel  
370 Van Gordon Street  
Lakewood, CO 80228  
(303) 914-4634 (business); nancy\_vanburgel@kindermorgan.com; 303-984-3333 (fax)

4. Identify all prior owners of the Site. For each prior owner, further identify the dates of ownership.

**RESPONSE:**

Pre-September 1963: It is our belief based on review of Oklahoma Department of Environmental Quality documents and USEPA documents that Wilcox Oil

Company was the original constructor, operator and owner of the Bristow refinery. [see Preliminary Assessment of the Wilcox Oil Company, prepared by the State of Oklahoma Department of Environmental Quality, December 15, 1994, Bates Nos. KMI-0000004 – 99 and Site Assessment Report for Wilcox Refinery, Bristow, Creek County, Oklahoma, March 1999, prepared by Ecology and Environment, Inc., Table 2-1, page 2-7, Bates Nos. KMI0000101-178.

September 1963: Wilcox Oil Company sold the refinery to Wendel Sandlin of Sandlin Oil & Refining Co. [Bureau of Mines/Minerals Yearbook Area Reports: Domestic 1963, Year 1963, Volume III (1964)] Bates Nos. KMI0000001-3.

Also see Plan of Reorganization By and Between Wilcox Oil Company, Tennessee Gas Transmission Company and WXC Company, Dated May 13, 1964, Bates Nos. W0000460-593, Exhibit A – Pages 2-3, Bates Nos. W0000479-480 Wilcox Oil Company, Statement of Income and Retained Earnings, Years ended December 31, 1963 and 1962; Note reference to sale of refinery on both referenced pages.

5. Explain the corporate relationship between Wilcox Oil Company, Tenneco Oil Company, EPEC Oil Company, El Paso Corporation, and Kinder Morgan.

RESPONSE:

#### Wilcox Oil Company

Wilcox Oil Company was a Delaware corporation qualified to do business in the state of Oklahoma and numerous other states [see Copy of Certification of Incorporation of H.F. Wilcox Oil & Gas Company, Bates Nos. W0000656]. It sold its Bristow Refinery to Wendel Sandlin in 1963. It retained oil and gas leases and oil producing properties.

On May 4, 1964, Tennessee Gas Transmission Company, a Delaware corporation, formed WXC Company, a Delaware corporation, as a wholly-owned subsidiary of Tennessee Gas Transmission Company. Later that month, Wilcox Oil Company, WCX Company and Tennessee Gas Transmission Company entered into a Plan of Reorganization by and between Wilcox Oil Company, WCX Company and Tennessee Gas Transmission Company. [see Plan of Reorganization dated May 13, 1964, Bates Nos. W0000460-593]. According to the Plan of Reorganization, WXC Company acquired all of the assets of Wilcox Oil Company, except for the corporate charter, by-laws, stock books and minute books and an amount of cash retained in order to pay expenses of Wilcox Company required for its liquidation and dissolution.[see Plan of Reorganization (May 13, 1964, Bates Nos. W0000460-593) and General Conveyance and Assumption Agreement, dated July 21, 1964, Bates Nos. W0000002-5 and W0000296-410]

On the same date, July 21, 1964, WXC Company changed its name to Wilcox Oil Company.

Tennessee Gas Transmission Company (TGT) was the parent of Tenneco Corporation and was publicly traded. Tenneco Corporation was a wholly owned subsidiary of TGT and was a holding company that owned stock for all of Tenneco Corporation's non-regulated subsidiaries. Tennessee Oil Refining Corporation, later known as Tenneco Oil Company, was a subsidiary of Tenneco Corporation.[see Bates Nos. EPR 0001199-1201]

#### **Tenneco Oil Company**

On September 7, 1964, Wilcox Oil Company merged into Tenneco Oil Company. [see Corporate Records of Tennessee Oil Refining Corporation, Certificate of Amendment of Certificate of Incorporation of Tennessee Oil Refining Corporation, dated November 17, 1960, Bates Nos. EPR0001199-1201] and [see Corporate Records of Tennessee Oil Refinery Corporation Certificate of Ownership and Merger, Bates Nos. EPR 0001226-1229.

#### **EPEC Oil Company**

In 1996, Tenneco Oil Company was one of the subsidiaries acquired by El Paso Energy Corporation and was renamed EPEC Oil Company. [see Corporate Records of Tennessee Oil Refining Corporation, State of Delaware, Office of Secretary of State Certificate dated December 24, 1996; and Certificate of Amendment of Certificate of Incorporation dated December 12, 1996. Bates Nos. ERR0001319 – 1320; and Amended and Restated Plan of Merger, dated, June 19, 1996, Bates Nos. KMI0000225-561]

On December 18, 1998, EPEC Oil Company dissolved pursuant to Delaware law. [see State of Delaware, Office of Secretary of State Certification dated December 18, 1998, Bates No. EPR0001321; and Certificate of Dissolution of EPEC Oil Company by Written Consent of Sole Stockholder, Bates Nos. EPR0001322-1325.

On March 9, 2001, the EPEC Oil Company Liquidating Trust Agreement was entered into among EPEC Oil Company as Trustor and El Paso Energy E.S.T. Company, a Delaware corporation, as Trustee. [see EPEC Oil Company Liquidating Trust Agreement, Bates Nos. KMI0000179-208]

#### **El Paso Corporation**

Tenneco Oil Company, as a subsidiary of Tenneco Corporation, was one of the Tenneco Energy Group Companies purchased and then distributed by El Paso Natural Gas Company pursuant to Amended and Restated Agreement and Plan of

Merger, dated June 19, 1996 [see Bates Nos. KMI0000225 – 561]. El Paso Energy Corporation was incorporated in April 17, 1998 and changed its name to El Paso Corporation on February 7, 2001 [see Certificate of Incorporation of El Paso Energy Corporation, dated April 15, 1998, Bates Nos. KMI0000562 – 571; and, Certificate of Incorporation of El Paso Corporation, dated February 5, 2001, Bates Nos. KMI0000572 – 615].

**Kinder Morgan, Inc. (KMI)**

On May 25, 2012, Kinder Morgan Inc. completed the acquisition of El Paso Corporation. Following the completion of these transactions, El Paso Holdco LLC became a direct, wholly owned subsidiary of KMI and El Paso LLC became a direct, wholly owned subsidiary of El Paso Holdco LLC. [see United States Securities and Exchange Commission, Form 8-K, dated May 24, 2012 for Kinder Morgan, Inc.; and United States Securities and Exchange Commission, Form 8-K, dated May 24, 2012, for El Paso Holdco LLC., Bates Nos. KMI0000209 - 224].

6. Provide all documents related to the sale/transfer of the Wilcox Refinery, the purchase of Wilcox Oil Company by WCX Company, and the merger of Wilcox Oil with Tenneco Oil Company.

**RESPONSE:**

Please see documents referenced in Responses to Questions 4 and 5, above, including,

(1) *Preliminary Assessment of Wilcox Oil Company*, dated December 15, 1994 including Quit Claim Deed and Warranty Deeds; Bates Nos. KMI0000096 – 99; *Site Assessment Report*, dated March 1999 including Table 2-1, Bates No. KMI0000117.

(2) Plan of Reorganization by and between, Wilcox Oil Company, WCX Company and Tennessee Gas Transmission Company, dated May 13, 1964; Bates Nos. W0000460 – 593.

(3) Certificate of Amendment of Certificate of Incorporation of Tennessee Oil Refining Corporation, Bates Nos. EPR0001226 – 1229.

7. Provide documents related to the dissolution of EPEC Oil.

**RESPONSE:**

Please see Certificate from the State of Delaware, Office of Secretary of State, Bates No. EPR0001321 and Certificate of Dissolution of EPEC Oil Company by Written Consent of Sole Stockholder, dated December 16, 1998, Bates Nos. EPR0001322 – EPR0001325.

Pursuant to the authority of CERCLA Section 104(e), 42 U.S.C. § 9604(e), the EPA hereby requests that Kinder Morgan respond to the following question:

"If the EPEC Oil Liquidating Trust still continues to exist, please state the current net worth of the trust and the dollar value of any assets or monies that may have been distributed from the trust."

Please provide your response to the above information request by no later than Friday, January 15, 2016.

Thank you for your attention to this matter. If you have any questions regarding this request, please call Mr. Lance Nixon, Enforcement Officer, at 214-665-2203. Legal questions should be addressed to Mr. Marvin Benton, Senior Counsel, at 214-665-3190.

Sincerely yours.

A handwritten signature in black ink, appearing to read "B. Banipal", with a stylized flourish at the end.

Ben Banipal, P. E., Branch Chief  
Technical and Enforcement Branch  
Superfund Division

Enclosure





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

November 12, 2015

Nancy E. Van Burgel, Esq.  
Assistant General Counsel  
370 Van Gordon Street  
Lakewood, CO. 80228

Certified Mail Receipt 7004 1160 0003 0354 6079

RE: Wilcox Oil Superfund Site  
Bristow, Creek County, Oklahoma

Dear Ms. Van Burgel:

I am following up on our telephone conversation on Thursday November 12, 2015. As you know I called your office on Tuesday November 10, 2015 in which I indicated that I had questions regarding Kinder Morgan's response to EPA Region VI's CERCLA 104(e) request that was sent to Kinder Morgan on or about October 25, 2012 and November 16, 2012, respectively.

Pursuant to an agreed upon extension to respond to EPA's CERCLA 104(e) request, Kinder Morgan was given until January 8, 2013 to submit its response to EPA. EPA Region VI received your CERCLA 104(e) response on January 13, 2013.

I have reviewed your response recently and it appears that Kinder Morgan did not fully respond to question 8 ( c ) of EPA's 104(e) in which EPA requested that Kinder Morgan "....state the net worth of the trust at the time of termination; and the dollar value of the assets distributed."

I have attached your CERCLA 104(e) response dated January 7, 2013 for your review. Based upon my review and our brief conversation on Thursday November 12, 2015 I am assuming that the EPEC Oil Liquidating Trust has not been terminated, dissolved or liquidated.

If the EPEC Oil Liquidating Trust still continues to exist please state the current net worth of the trust and the dollar value of any assets or monies that may have been distributed from the trust.

Please feel free to contact me at [benton.marvin@epa.gov](mailto:benton.marvin@epa.gov) or via telephone at 214-665-3190 if you have any questions or concerns.

Thank-you for your cooperation,

  
Marvin Benton  
Senior Attorney

CF: Mr. Lance Nixon, EPA Region VI Enforcement Officer  
Ms. Katrina Colbert, Remedial Project Manager